

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

November 21, 2016

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 21, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Darla Drew, Jason Salamun, Amanda Scott, Steve Laurenti, Jerry Wright, Lisa Modrick, John Roberts and the following Alderpersons arrived during the course of the meeting: NONE; and the following were absent: Charity Doyle and Brad Estes

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Wade Nyberg, Police Chief Karl Jegeris, Interim Public Works Director Dale Tech, Parks and Recreation Director Jeffrey Biegler, Risk Manager Trevor Schmelz and Administrative Coordinator Heidi Weaver-Norris.

**ADOPTION OF AGENDA**

Motion was made by Scott, second by Laurenti to adopt and amend the agenda to include Item 95A, Property Tax Abatement discussion per the Finance Officer. Motion carried to adopt the agenda as amended.

**AWARDS AND RECOGNITIONS**

Mayor presented Brandi Tronkel with a Proclamation recognizing November 21, 2016 as Brandi Tronkel Day. She was recognized as an excellent forensic interviewer and an advocate for children. She was recognized and thanked for her outstanding service in the City of Rapid City.

**GENERAL PUBLIC COMMENT**

James Swan, founder of United Urban Warrior Society, addressed the Council. He said there was an issue that happened at Main Street Square regarding the Rapid City Police Department. He tried to get a meeting with the Mayor but said he was not contacted. He is an advocate for homeless people. He was disappointed he didn't see anyone from the Council or other departments at the homeless feed he put on a few weeks ago. He doesn't believe the human relations commission does any good. He said he wished the Mayor would have had a meeting with him.

**NON-PUBLIC HEARING ITEMS**

Mike Kuhl, construction project manager for Pennington County, addressed the Council. He asked that the Council reconsider the variance for Item 28. He said the stretch of sidewalk that they are being asked to put in is in the middle of the block and there won't be sidewalk added to either side. He said they would consider an alternate walkway between Highway 16 and the service road if possible.

**CONSENT ITEMS** – Items 2 – 42

The following items were removed from the Consent Items:

14. No. PW111516-05 – Authorize Staff to Advertise for Bids for RC Public Library – Public Area Update Project No. 16-2355. Estimated Cost: \$125,000.00.
21. No. PW111516-12 – Approve Request from Alex Drewitz for a Variance to Waive the Requirement to Install Sidewalk per Rapid City Ordinance 12.08.060 Along Wildwood Drive adjacent to 5515 Wildwood Drive, Rapid City.
27. No. PW111516-17 – Acknowledge the report for Traffic Signal Warrants and East Minnesota Street & Elk Vale Road Intersection – SDDOT and Direct staff to bring back a recommendation

for the installation and a funding recommendation for the traffic signal at the intersection of East Minnesota Street and Elk Vale Road.

28. No. PW111516-18 – Deny the Request from Pennington County for a Variance to Waive the Requirement to Install Sidewalk per Rapid City Ordinance 12.08.060 along the Cambell Street Service Road, Rapid City.
29. No. PW111516-19 – Deny Appeal by KTM Design Solutions, Inc. of an Exception Request denial to waive the requirement to construct public improvements in Dyess Avenue and Direct staff to come back with a funding source for the west side of the road which will be reimbursed through the waiver of right to protest from the west side property owner.
33. No. LF111616-01 – Approve Resolution No. 2016-085A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property
34. No. LF111616-04 – Acknowledge September 2016 Sales Tax Report.
37. No. LF110216-04 – Approve Resolution No. 2016-079 Creation of Budget Analyst Position.
40. No. LF111616-02 – Acknowledge Discussion on Solid Waste Rate Increase.
41. Direct Staff to Cease and Desist New Hazardous Tree Removal Program until it can be straightened out.

Motion was made by Salamun, second by Drew and carried to approve Items 2-42 as they appear on the Consent Items with the exception of Items 14, 21, 27, 28, 29, 33, 34, 37, 40 and 41.

#### ***Approve Minutes***

2. Approve Minutes for the November 7, 2016 Regular Council meeting.

#### ***Vacations of Right-Of-Way Set for Hearing (NONE)***

#### ***Alcoholic Beverage License Applications Set for Hearing (December 5, 2016)***

3. Wobbly Bobby British Pub DBA Wobbly Bobby British Pub, 510 Main Street for Retail (on-sale) Liquor TRANSFER from Wobbly Bobby British Pub DBA Ciao, 512 Main Street Suite 130
4. Shiba Investments Inc. DBA Shiba Investments, The Rushmore Hotel, 445 Mt Rushmore Rd for a Retail (on-sale) Liquor TRANSFER from Shiba Investments Inc. DBA Adoba, 445 Mt. Rushmore Rd
5. Sickies ND, Inc. DBA Sickies Garage, 3313 E Mall Drive for a Retail (on-sale) Liquor TRANSFER from Kurylas Inc. DBA Imperial Hotel, 100 St Joseph Street
- 5a. Walnut Grove LLC DBA Klinkeltown, 512 Main Street Suite 130 for a Retail (on off sale) Malt Beverage License
- 5b. Walnut Grove LLC DBA Klinkeltown, 512 Main Street Suite 130 for a Retail (on off sale) Wine License

#### **2017 Retail (on-off sale) Wine License Renewal**

6. Ixtapa LLC DBA Ixtapa Restaurant, 603 Omaha Street for a Retail (on-off sale) Wine License

#### ***Public Works Committee Consent Items***

7. No. PW111516-24 – Confirm the appointment of Jenn Johnson to the Historic Preservation Commission.
8. No. PW111516-25 – Confirm the reappointment of Galen Hoogestraat and new appointments of Gerald Sullivan, Mike Quasney, Mike Gollither, and Curt Huus to the Planning Commission.
9. No. PW111516-01 – Approve Change Order #1 to Highmark Inc. for Southside Drive Sanitary Sewer Extension, Project No. 14-2095 / CIP No. 50328 for an increase of \$16,380.51.
10. No. PW111516-02 – Approve Change Order #1 to R.C.S. Construction for Baldwin Reconstruction, Project No. 14-2189 / CIP No. 50822.1-1 for an increase of \$23,850.28.
11. No. PW111516-03 – Approve Change Order #1F to J & J Asphalt Company for Pavement Rehab Back Nine & Pebble Beach, Project No. 15-2301 / CIP No. 50844 for an increase of \$31,734.56.

12. No. PW111516-23 – Approve Change Order #1 to Highmark Inc. for Dyess Avenue Reconstruction and Downstream Drainage Channel Improvements, Project No. 12-2032 / CIP 50934 for an increase of \$13,753.84.
13. No. PW111516-04 – Authorize Staff to Advertise for Bids for Mallow Street Radius Reconstruction, Project No. 16-2340 / CIP No. 51118. Estimated Cost \$70,000.00.
15. No. PW111516-06 – Authorize Staff to Advertise for Bids for East Rapid Water Expansion Water Reclamation Facility Water Main Extension, Project No. 14-2196 / CIP No. 50964.D. Estimated Cost: \$1,400,000.00.
16. No. PW111516-07 – Authorize Mayor and Finance Officer to Sign Amendment to the Agreement between the City of Rapid City and KTM Design Solutions, Inc. for Rapid Valley Sanitary Sewer Bypass, Project No. 13-2076 / CIP No. 50911, for an increase of \$76,041.00 and amend the project completion date.
17. No. PW111516-08 – Authorize Mayor and Finance Officer to Sign Pipeline License #WL1120 for water main to cross the Railroad for East Rapid Water Expansion Water Reclamation Facility Water Main Extension. Project No. 14-2196 / CIP No. 50964.D.
18. No. PW111516-09 – Authorize Mayor and Finance Officer to Sign Professional Services Agreement for Alley south of Kansas City Street between 4th Street and 2nd Street Sanitary Sewer Improvements, Project No. 16-2338 / CIP No. 50827.
19. No. PW111516-10 – Authorize Mayor and Finance Officer to Sign “Consent to Cross a U.S. Government Easement” for use by The City of Rapid City to cross a waterline easement.
20. No. PW111516-11 – Authorize Mayor and Finance Officer to Sign Agreement Between the City, Holiday Stationstores, Inc., and the South Dakota Department of Transportation to permit Holiday to delay abandonment of sewer lines at the sewer main until the DOT reconstructs the intersection of Omaha Street and East Boulevard.
22. No. PW111516-13 – Approve Corrected funding for Bid Award Recommendation for Project No. 15-2300 / CIP No. 50844.
23. No. PW111516-26 – Approve Corrected funding pages on Change Order #1 to Reede for Mount Rushmore Road - St James to Kansas City Street, Project No. 13-2139 / CIP No. 50950. The funding amounts were off by .02 cents across three funds. Overall dollar amount stays \$55,643.79.
24. No. PW111516-14 – Approve Grant submittal to Federal Transit Administration (FTA) and accept funds if awarded.
25. No. PW111516-15 – Authorize Mayor and Finance Director to sign a professional services agreement for Solid Waste Landfill Cells 18-19 Design of Liner and Leachate Collection System, Project No. SW2016-003.
26. No. PW111516-16 – Authorize Mayor and Finance Officer to Sign Resolution No. 2016-066 Establishing Rates for the Rapid City Department of Parks and Recreation.
30. No. PW111516-22 – Acknowledge the report from staff regarding wild turkey issues in Rapid City.

***Legal & Finance Committee Consent Items***

31. No. LF111616-06 – Approve Rapid City Regional Airport Rates and Charges for FY 2017
32. No. LF111616-03 – Authorize Staff to Apply for and Accept if Awarded Additional Funding for a South Dakota Hazardous Materials Emergency Preparedness Training Grant in the Amount of \$474.08 for a Hazardous Materials Training Course
35. No. LF111616-08 – Resolution No. 2016-089 Resolution Declaring Miscellaneous Personal Property Surplus

Resolution # 2016-089

**RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS**

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

**From: SOLID WASTE MRF**

For Auction – National Industrial Auction House:

Heil Industrial Bag Breaker Trommel, Model BC85-40

Garbage Compactor for semi-trailer loading, Serial #CP600 2D 860542852

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 21st day of November, 2016.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:

s/ Pauline Sumption  
Finance Officer

(SEAL)

- 36. No. LF111616-12 – Acknowledge October 2016 General Fund Cash Balance Report.
- 38. No. 16TP024 – Approve the 2017 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization
- 39. No. 16TP025 – Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and the SDDOT for Accomplishing the Rapid City Area Transportation Planning Process in the Amount of \$582,035

***Bid Award Consent Items***

- 42. CC112116-02.1 - Approve award of Total Informal Quote for Lilac Lane Project No. 16-2356 / CIP No. 51151 opened on November 15, 2016, to the lowest responsible bidder, Tru-Form Construction, Inc., in the amount of \$12,608.00.

**END OF CONSENT ITEMS**

Mayor read in item (No. PW111516-05) Authorize Staff to Advertise for Bids for RC Public Library – Public Area Update Project No. 16-2355. Estimated Cost: \$125,000.00. Motion was made by Drew, second by Laurenti to approve. In response to a question from Drew, James McShane (Library Director) said the main floor carpeting was being replaced. They will also be painting and moving shelves. In response to a question from Roberts, McShane said the library addition was done in 2002 and the last renovation was done over ten years ago. Motion carried 8-0.

Mayor read in item (No. PW111516-12) Approve Request from Alex Drewitz for a Variance to Waive the Requirement to Install Sidewalk per Rapid City Ordinance 12.08.060 Along Wildwood Drive adjacent to 5515 Wildwood Drive, Rapid City. Motion was made by Modrick, second by Salamun to approve. Modrick said she believes in the sidewalk replacement plan, she does not think sidewalks should be put in here because it's not a good location and will be very challenging to put them in. Motion carried 8-0.

Mayor read in item (No. PW111516-17) Acknowledge the report for Traffic Signal Warrants and East Minnesota Street & Elk Vale Road Intersection – SDDOT and Direct staff to bring back a

recommendation for the installation and a funding recommendation for the traffic signal at the intersection of East Minnesota Street and Elk Vale Road. Motion was made by Modrick, second by Salamun to acknowledge the report. Modrick would like to get the traffic light in as soon as possible. In response to a question from Laurenti, Tech said this item could possibly be ready for the first Public Works meeting in December, but no later than the second Public Works meeting in December. Motion carried 8-0.

Mayor read in item (No. PW111516-18) Deny the Request from Pennington County for a Variance to Waive the Requirement to Install Sidewalk per Rapid City Ordinance 12.08.060 along the Cambell Street Service Road, Rapid City. Modrick said some of the challenges of installing the sidewalk are that there is a retaining wall, fencing and some layout limitations. She would be in favor of waiving the sidewalk. Motion was made by Nordstrom, second by Laurenti to uphold the denial. Nordstrom said it's only a matter of time before sidewalks are needed. Roberts said people do walk out there but he doesn't see why they need to install it when there is no connectivity. Roberts said to leave it for now and they can call in sidewalks at a later time. In response to a question from Scott, Tech said that this area was not on the high priority list of sidewalks that should be completed in Rapid City. Scott said this is county property close to Oregon Street and there will likely be connectivity in the future. Nordstrom said it would cost less to do it now then to order it in later. Drew said that the Council should have continuity in decision making regarding sidewalks. She would rather have people walking on a sidewalk then the service road. Motion to uphold denial was passed 6-2 with Modrick and Roberts voting no.

Mayor read in item (No. PW111516-19) Deny Appeal by KTM Design Solutions, Inc. of an Exception Request denial to waive the requirement to construct public improvements in Dyess Avenue and Direct staff to come back with a funding source for the west side of the road which will be reimbursed through the waiver of right to protest from the west side property owner. In response to a question from Scott, Tech agreed that the City would provide a funding source for improvements and the property owner will be assessed after improvements are done in order to repay the City. Roberts does not think it's fair for this owner to be assessed for these improvements when nearby locations get new roads for free. Motion passed to uphold the denial of the exception request and direct staff to come back with a funding source for the west side of the road which will be reimbursed through the waiver of right to protest from the west side property owner. Motion passed 7-1 with Roberts voting no.

Mayor read in item (No. LF111616-01) Approve Resolution No. 2016-085A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property. Motion was made by Nordstrom, second by Drew to approve. Nordstrom said there are several property owners who keep showing up on these clean up assessments. He said the City is becoming more like a property manager. Scott said since the vacant property ordinance passed that more properties are being looked at and when it comes time to take further action, they can. Motion passed 8-0.

RESOLUTION No. 2016-085A  
RESOLUTION FIXING TIME AND PLACE FOR  
HEARING ON ASSESSMENT ROLL FOR  
CLEANUP OF MISCELLANEOUS PROPERTY

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 21st day of November, 2016. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 19th day of December, 2016 at 6:30 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.

3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 21st day of November, 2016.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

Mayor read in item (No. LF111616-04) Acknowledge September 2016 Sales Tax Report. Laurenti stated that numbers are down based on previous year's performance. He said if the City needs to make cuts at the end of the year to balance the budget, they will. In response to a question from Salamun, Sumption said there are three months left to report and she is not alarmed. She said numbers are likely down because the Sturgis Rally did not generate as much revenue as predicted. She stated the sales tax amount is driven by people's spending habits. She thinks the City will likely come out ok dollar-wise. Salamun said it's important to support our local businesses and invest in Rapid City. In response to a question from Nordstrom, Sumption said it's fair to compare the first nine months of this year versus the first nine months of last year to get an accurate calculation. Nordstrom also urged the citizens to shop local. Drew said the Lakota Nation Invitational is having the 40<sup>th</sup> anniversary and we should expect a big turnout. Motion was made by Scott, second by Roberts and carried to acknowledge 8-0.

Mayor read in item (No. LF110216-04) Approve Resolution No. 2016-079 Creation of Budget Analyst Position. Laurenti appreciated the Mayor's additional information. He believes this position will help the Mayor's office. He said this will provide directors a better source of information in real time to stay on budget. He will be looking for cost benefit on the taxpayer dollar. He would like to see the position moved to the Finance Office under the direction of the Finance Officer. He would like to hear an amendment to place the position under the Finance Officer. Motion was made by Scott, second by Nordstrom to approve the position as is. Salamun said one concern is this position might be a politicized position. In response to a question from Salamun, Mayor said the budget is the responsibility of the Mayor, his job to make sure that spending is matching up with projections, and how each department is doing with the budget goal. He thinks having the direct interaction with the Mayor assures and reinforces the budget. He feels there is a good marriage between this position and the priority based budgeting program. The Mayor said this is an experiment as to where the position belongs and his opinion is that it belongs in his office. Salamun asked the Mayor why this position would be ineffective in the Finance Office. Mayor said he would have a better answer in six months or so, but since the position will be working directly with the Mayor's office, he feels it's best suited there. Wright supports the request. He said it's a huge operation to maintain and it's time we have someone on board to be the budget analyst. It's a step in the right direction and is long overdue. Nordstrom supports the motion. He feels the analyst belongs in the Mayor's Office and the Mayor could use the insight in helping with the budget. Laurenti doesn't think the position should be in the Mayor's office so it's not perceived as political. Motion passed 7-1 with Laurenti voting no.

RESOLUTION NO. 2016-079  
 RESOLUTION TO AMEND THE CITY OF RAPID CITY  
 COMPENSATION PLAN BY ESTABLISHING  
 THE NEW POSITION OF BUDGET ANALYST WITHIN THE MAYOR'S OFFICE

WHEREAS, duties and responsibilities for positions within Departments throughout the City change and evolve over time; and

WHEREAS, respective Leaders within City Management request recommend that the new position of Budget Analyst be created; and

WHEREAS, the duties and responsibilities of the below listed position have been evaluated by the City of Rapid City's Compensation Committee utilizing the Factor Evaluation System (FES) to establish the appropriate placement on the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the City of Rapid City Compensation Plan by adding the position of Budget Analyst to the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City that the position listed below is hereby created; and

BE IT FURTHER RESOLVED by the City Council of the City of Rapid City that the compensation plan is hereby revised as follows:

**ADD TO THE NON UNION PAY SCALE**

Position Title	Pay Scale	Grade	Classification	SALARY RANGE	
				Min	Max
Budget Analyst	Non-union	18	Non-Exempt	\$48,334.07	\$72,826.75

Dated this 21st day of November, 2016.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

Motion by Modrick, second by Wright to (No. LF111616-02) Acknowledge Discussion on Solid Waste Rate Increase. Modrick said there was a lot of discussion with Karl Merbach regarding shingles and the rate increase for shingles. If it's not a clean shingle, it can't be recycled and is considered a mixed waste. Although the City does not often jump from \$16 to \$59, this item fell under mixed waste and was recategorized. Modrick is comfortable with the explanation of the increase. Motion carried 8-0.

Mayor read in item "Direct Staff to Cease and Desist New Hazardous Tree Removal Program until it can be straightened out". In response to a question from Salamun, Nyberg said it is the homeowner's responsibility to keep up maintenance of their trees. Nordstrom is concerned that the City can't move

forward in one way or the other. He said the Parks Department used to be called when there was a dead or dangerous tree concern. In response to a question from Roberts, Nyberg said the liability is taken away from the City once the property owner is notified that the dangerous/diseased tree needs to be taken down. In response to a question from Roberts, Biegler said that the City has cut down some dangerous trees in the right-of-way on private property. Motion was made by Wright, second by Roberts to direct staff to cease and desist the new hazardous tree removal program until it can be reworked into a policy that is approved by the City. Laurenti said the conversation at Legal & Finance was to go back to the old program where the property owner was notified and had a certain time period to take care of the violation and if they don't, then the City will hire a service to rectify the issue and assess the owner. In response to a question from Nordstrom, Mayor said his understanding was to prohibit the Parks Department from cutting down trees from the public right-of-way at the City's expense. The City needs to notify property owner and let them take care of it and if they don't then the City will assess the homeowner. Mayor said there have been approximately 140 trees identified as hazardous. Roberts said that every time a social program is started, another one follows it. He said there are a lot of broken sidewalks and those cause liability as well, he asked if that was going to be the next program the City starts assessing for. He thinks the City is spending tax dollars on fixing the homeowners responsibilities. He said that government thinks they have to take care of everything. He thinks the citizens needs to take on more responsibility for their own property. Motion passed 7-1 with Nordstrom voting no.

### **NON-CONSENT ITEMS**

Cory Shafer addressed Council regarding Items 51-53. He is asking that the vacation of easement be approved so the neighbors don't have to move the structures in their backyards. He contacted Kyle Treloar at KTM who was the developer to request a variance or vacation. He said Kyle has three options to share with Council. Lance Steiger addressed the Council and asked for the approval of the vacation of easement. He played a video showing a rainstorm and the run off from the backyard being minimal. Karissa Steiger addressed the Council. She said the City is still protected from the 100-year flood per the recommendation from KTM Designs. She said that KTM is in favor of keeping the major drainage but is comfortable in making some adjustments. She said the City has made exceptions to the width on drainage easements before. She stated the 20 feet of space would remain for emergencies. She is asking that the City allow obstructions to remain in place but change landscaping. Kyle Treloar, KTM, addressed the Council. He said there is no flow from streets or offsite, only the backyards. He said the 20 foot easement is Rapid City's minimum and is all that is needed in this case. He said drainage is collected into a culvert that stays open. He said the people are safe, maintenance is kept, and there is still functionality.

### ***Ordinances***

Ordinance 6147 (No. LF110216-05) An Ordinance Regarding Supplemental Appropriation #4 for 2016. Motion was made by Scott, second by Laurenti that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Salamun, Scott, Laurenti, Wright, Modrick, and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6147 was declared duly passed upon its second reading.

Ordinance 6148 (No. LF111616-05) An Ordinance Regarding Supplemental Appropriation #5 for 2016. Motion was made by Scott, second by Laurenti that Ordinance 6148 be placed on its first reading and the title was fully and distinctly read.

### ***Public Works Committee Items***

Drew read in item (No. PW111516-20) Appeal of Denial of Request for Exception to not dedicate additional Collector Street ROW along Luna Avenue. In response to a question from Scott, Tech said as part of the discussion on this item at the Public Works Committee meeting, Alderman Estes asked if the applicant would dedicate an easement in lieu of dedicating public right-of-way. Tech said Public Works Staff contacted the applicant and he would be favorable to dedicate an easement for the water main instead of dedicating the public right-of-way. So that's an option to the Council. Staff's recommendation

is still for the applicant to dedicate an additional 4-feet of right-of-way. Tech said there are no improvements that are necessary other than the construction of sidewalk at the time a building permit is pulled. Scott clarified her question. Tech said there are two 20-inch water mains located on this side of the road and the City believes one is right under the property line so it would be impossible for the City to excavate if there needs to be any repairs or taps to it without trespassing on the adjoining property. In response to a question from Scott, Tech said the only detriment is if it's an easement that property can still utilize it for parking or pave over it so the restoration cost if the City were to get in there to excavate would be much more expensive if it were in a boulevard area. He said it is so tight that he doesn't see how another utility could be installed that close to the water main. Motion was made by Nordstrom, second by Laurenti to uphold staff's denial for an exception. Motion passed 7-1 with Roberts voting no.

### ***Legal & Finance Committee Items***

Roberts read in item (No. LF111616-10) Discussion on Revised 2016 City Council Mission and Vision Statement. Motion was made by Wright, second by Nordstrom to approve. Wright said this statement was devised with great discussion at the retreat. He said this is their tool on how to conduct themselves for the City Council. He said the values are identical to those in the master plan. It is simple and clear and will keep the Council focused. Nordstrom wanted to clarify that this mission and vision statement is for the City Council only, it is not for the City as a whole. Laurenti said everything they do for the City is on behalf of the citizens of Rapid City. He isn't sure how they separate the Council mission statement from the City mission statement. He wanted the item continued for two weeks to work on rephrasing it. Drew said she was at the retreat and they were working with documents that did pertain to City Council. She said they were trying to come up with something short enough so they could all say it. She said it was summed up by saying they would operate with excellence and integrity. She thinks it's a noble goal and a good mission statement. Substitute motion was made by Salamun, second by Laurenti to continue for two weeks. Modrick asked how they will formulate and finalize this before the next meeting. No response was given. Motion passed 7-1 with Drew voting no.

Roberts read in item (No. LF111616-09) Approve 2017 Budget Supplement Report and identify the funding source as transferring \$50,000 from the City Council contingency fund and accept the remaining balance from the existing 2017 police budget. Motion was made by Roberts, second by Laurenti to approve. In response to a question from Nordstrom, Chief Jegeris said he believes the proposed mechanism, in order to identify the funding, would be in violation of the Department of Justice statute that requires that we avoid subplanting when we receive a grant. He believes they would be at great risk of losing the grant if they used the mechanism that was proposed at the Legal and Finance meeting. He asked that the Council consider approval as it was brought forward originally, that \$72,320 will come from the General Fund Undesignated Cash. He said that funding source was one that was suggested by the Finance Officer. The research and development manager reviewed the COPS guidelines and thinks that would be the proper funding source as well. Modrick was concerned with pulling \$50,000 out of Council Contingency, she is in favor of using general fund undesignated cash. She doesn't want the police department to miss this opportunity. Substitute motion was made by Wright, second by Modrick to use the original funding source of general fund undesignated cash. Wright said whenever we apply for a grant and it gets approved, the funding source has already been identified. The grant board is under the impression that when a grant is approved, that it's already funded. If you fail to do that, then you are disqualified and creating additional problems. In response to a question from Scott, Jegeris said when they filed for this grant they did not specify the funding source. He said with the amendment that was proposed at the Legal and Finance Committee by only identifying \$50,000 of the required \$72,320 provides a shortage of \$22,320. He said by requiring the police department to fund the \$22,320, it's shown as a reduction, not equivalent to the amount given of \$72,320. It would be a violation of the subplanting. Scott said she reads this differently and can't support changing the funding source. In response to a question from Roberts, Sumption said in the past they used to budget the COPS grants into the budget. But since some grants haven't been received lately, they chose not to do that this year. She said they don't know at the time of budgeting if they are going to get the grant or not so they hold off

because they don't want to tie up that money if there are other needs out there. Motion passed 5-3 with Scott, Laurenti and Roberts voting no.

***Community Planning & Development Services Department Items***

Drew read in item (No. 16PL096) A request by KTM Design Solutions for Hagg Brothers LLC for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 3 of Block 1 and Lots 1 thru 12 of Block 2 of Moon Meadows, generally described as being located east of Mt. Rushmore Road and north of Sammis Trail. Motion was made by Drew, second by Roberts and carried to approve with the following stipulations: 1. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for that phase; 2. Prior to submittal of a Final Plat, Moon Meadows Drive shall be secured within a minimum 100 foot wide right-of-way with 10 additional feet the first 200 feet as it extends east from Mount Rushmore Road or the plat document shall include the dedication of the right-of-way for Moon Meadows Drive; 3. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way located north of Moon Meadows Drive shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way located south of Moon Meadows Drive shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 6. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement located along the east lot line shall be submitted for review and approval showing the easement with a minimum width of 70 feet with 10 additional feet the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated as proposed. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, the Final Plat shall show the recording information vacating the document; 7. Upon submittal of a Development Engineering Plan application, construction plans for the 100 foot wide access and utility easement extending through proposed Lots 1 and 2 of Block 2 shall be submitted for review and approval showing the easement with a minimum width of 70 feet with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated as proposed. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, the Final Plat shall show the recording information vacating the document; 8. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development; 9. Upon submittal of a Development Engineering Plan

application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual; 10. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 11. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the infrastructure Design Criteria Manual; 12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 13. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show U.S. Highway 16 as Mount Rushmore Road. In addition, upon submittal of a Final Plat application, the plat shall show the street as Mount Rushmore Road; 14. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 15. Prior to submittal of a Final Plat application, the subdivision name shall be changed from "Moon Meadows" to "Moon Meadow Overlook" or "Moon Meadow Estates #2"; 16. Upon submittal of a Final Plat application, all necessary easements shall be dedicated including drainage easements, shared access easements and utility easements; 17. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 18. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Drew read in item (No. 16PL101) A request by Renner Associates LLC for Brant Grote for a **Preliminary Subdivision Plan** for proposed Lot LG of Gibson Subdivision, generally described as being located 3964 Red Rock Canyon Road. Motion was made by Drew, second by Roberts and carried to approve with the following stipulations: 1. Upon submittal of a Final Plat application, water testing data for proposed Lot LG demonstrating that potable water is present shall be submitted for review and approval; 2. Prior to submittal of a Final Plat application, the proposed access easement located across the unplatted balance of the S1/2S1/2SW1/4NE1/4 of Section 17, T1N, R7E to serve as access to the unplatted balance located north of proposed Lot LG shall be recorded. In addition, a recorded copy of the easement shall be submitted with the Final Plat application; and, 3. Prior to submittal of a Final Plat application, the applicant shall coordinate with the Register of Deed's Office to determine if the proposed Lot should be labeled "Lot 5" or "Lot 2" in lieu of "Lot LG".

Drew read in item (No. 16PL104) A request by Sperlich Consulting, Inc for SODAK Development Company for a **Preliminary Subdivision Plan** for proposed Lots 8 thru 11 of Block 6, Lots 9 thru 14 of Block 9 and Lots 1 thru 6 of Block 10 of Homestead Subdivision, generally described as being located north of the intersection of Haakon Street and Darian Street. Motion was made by Drew, second by Roberts and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed. In addition, the redlined comments shall be returned with the Development Engineering Plan application; 2. Prior to submittal of a Development Engineering Plan application, the proposed 20 foot by 52-foot utility easement shall be recorded as a miscellaneous document. In addition, a copy of the recorded easement shall be submitted as a part of a Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, utility concurrence letters shall be submitted for all existing utility easements proposed for vacation as a part of this plat; 4. Upon submittal of a Development Engineering Plan application, construction plans showing Haakon Street constructed within a minimum

52 feet of right-of-way and 26 feet of paved surface, with curb, gutter, water, sewer, sidewalk, and street light conduit shall be submitted for review and approval; or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted as a part of the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans showing Braelynn Lane constructed within a minimum 52 feet of right-of-way and 26 feet of paved surface, with curb, gutter, water, sewer, sidewalk, and street light conduit shall be submitted for review and approval; or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted as a part of the Development Engineering Plan application; 6. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development; 7. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual; 8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a registered professional engineer shall be submitted for review and approval for all subdivision improvements. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code; 9. Upon submittal of a Development Engineering Plan application, a grading plan and an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval; 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 11. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements as applicable; 13. Prior to submittal of a Final Plat application, recording information for all previously recorded easements shall be shown on the plat document; 14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Drew read in item (No. 16VE020) Elks Crossing - A request by Karissa Steiger for Multiple (See File) to consider an Appeal of Staff's Decision on a Vacation of Easement for property generally described as being located at 4330, 4340, 4350, 4360, 4370, 4402, 4410, 4418, 4426, 4434, 4514, 4522 and 4538 Duckhorn Street. Modrick said she has been working with the applicants since last summer. She explained that Duckhorn Street was built two years ago. She said many of the neighbors said their survey's showed an 8-foot minor drainage easement. They didn't know they were in a major easement. She said the only option to try and fix this was for the neighbors to fill out a vacation of easement application. She said there are 29 total homes involved. And according to the KTM engineer, there are no other water coming in or out of there. In response to a question from Laurenti, Tech said as part of the subdivision process the engineers are required to design the streets, utilities and drainage systems. These homes have a rear walk out which requires a rear drainage swale be installed. The City's practice is that if it serves more than two homes, the major drainage easement criteria is to be 20 feet in width. That is to get equipment in the easements and maintain them. He said the City has crews out continually maintaining easements. Someone will eventually have an issue with an easement and it will need to be

maintained. The City can't operate in them with less than 20 feet. In response to a question from Roberts, Kyle Treloar (KTM engineer) said the major drainage easement was required during the platting process because there are more than two properties draining to one spot and the minimum is 20-feet. Roberts said that on some of their survey's it was showing an 8-foot drainage easement. He doesn't think that is the homeowner's fault if that is what is on their survey. They wouldn't have known it should be 20-feet if their survey didn't show it. In response to a question from Roberts, Tech said that staff's recommendation is to leave the easement at 20-feet as adopted by previous City Councils. In response to a question from Wright, Treloar said he believes his employer would be willing to sign off on a 16-foot easement as being adequate for the floodway. In response to a question from Wright, Tech said there is not an exception that is allowed to the 20-foot easement. Motion was made by Nordstrom, second by Scott to uphold staff's recommendation for a 20-foot easement. In response to a question from Nordstrom, Tech said it would be very difficult to get equipment in and out if the City decided to allow the 16-foot easement. He said 20-feet is a reasonable minimum standard. Nordstrom referenced other drainage issues with different streets as examples and said he doesn't want to go through the same bad experiences as they have with those. Drew said she read through the documents and some owners said they built their fence to protect their children. She said if they are building a fence to protect them from the drainage ditch, then it should be built with the proper 20-foot easement. She is in favor of giving them more time to fix the problem but she does not want to grant the exception. In response to a question from Salamun, Tech said there are no other neighborhoods that he knows of that are less than 20-feet that the City would maintain. Tech also said that the engineers calculations are likely correct but it's not the actual width of the water that is running down the channel that's important, it's the ability to access that channel for future maintenance. Scott said she is willing to hear other options other than the vacation but she can't support the vacation. Roberts said this is a centralized channel that just receives drainage from the backyards of homes. He would support a motion to decrease the footage to 16-feet. Wright said he didn't want to set a precedent with decreasing drainage easements. Substitute motion was made by Wright, second by Modrick to continue to the second public works meeting in December. Motion was tied 4-4 with Wright, Modrick, Roberts and Salamun voting yes and Scott, Laurenti, Nordstrom and Drew voting no. Mayor broke the tie with a yes vote.

Drew read in item (No. 16VE021) Elks Crossing - A request by Karissa Steiger for Cora Jo and Elton Barber to consider an Appeal of Staff's Decision on a Vacation of Easement for property generally described as being located at 4835 Vinecliff Drive. Motion was made by Modrick, second by Wright to continue to the second Public Works meeting in December. Mayor said this item and the next item should be voted on together. So this item and item (No. 16VE022) Elks Crossing - A request by Karissa Steiger for Craig and Stacy Wehrle to consider an Appeal of Staff's Decision on a Vacation of Easement for property generally described as being located at 4419 Vinecliff Drive, were voted on together. Motion passed 7-1 with Scott voting no.

### ***Alcoholic Beverage License Applications (Items 54-95)***

#### **2017 Retail (On Sale) Liquor License Renewals**

54. Western Dakota Gaming Inc. DBA Valley Sports Bar, 1865 S Valley Drive for a Retail (on sale) Liquor License
55. Wobbly Bobby British Pub LLC DBA Ciao, 512 Main St Ste 130 for a Retail (on sale) Liquor License
56. The Retired Enlisted Assoc. Inc. DBA Chapter #29, 1981 E Centre Street for a Retail (on sale) Liquor License
57. WR Rapid City Ventures LP DBA Minerva's Bar & Restaurant, 2111 N LaCrosse Street for a Retail (on sale) Liquor License
58. Colonial House Inc. DBA Colonial House, 2315 Mount Rushmore Rd for a Retail (on sale) Liquor License
59. Kurylas Inc. DBA Imperial Hotel (Inactive), 100 St Joe Street for a Retail (on sale) Liquor License
60. Hungry's Restaurant Inc. DBA Marlin's Roadhouse Grill, 2803 Deadwood Ave for a Retail (on sale) Liquor License

61. Outback Steakhouse of Florida LLC DBA Outback Steakhouse, 665 East Disk Drive for a Retail (on sale) Liquor License
62. Dakota Wingmen LLC DBA Native New Yorker Grill & Wings, 1756 Eglin Street for a Retail (on sale) Liquor License
63. Shiba Investments Inc DBA Adoba, 445 Mt Rushmore Road for a Retail (on sale) Liquor License
64. VFW DBA Rushmore Post 1273, 420 Main Street for a Retail (on sale) Liquor License
65. Arrowhead Country Club DBA Arrowhead Country Club, 3675 Sheridan Lake Rd for a Retail (on sale) Liquor License
66. Moyle Petroleum Company DBA Inferno Food by Fire – Hwy 44, 3503 E Hwy 44 for a Retail (on sale) Liquor License
67. Wobbly Bobby British Pub LLC DBA Wobbly Bobby British Pub LLC, 510 Main Street for a Retail (on sale) Liquor License
68. Fat Boy's Inc. DBA Firehouse Brewing Co., 610 Main Street for a Retail (on sale) Liquor License
69. Deano's Casino Inc. DBA Deanos Casino II, 903 E North Street Suite A for a Retail (on sale) Liquor License
70. Sioux Restaurants LLC DBA TGI Fridays, 2205 N LaCrosse Street for a Retail (on sale) Liquor License

#### **2017 Package (Off Sale) Liquor License Renewals**

71. EagleCav LLC DBA Sooper Dooper Liquor, 915 E Saint Patrick Street for a Package (off sale) Liquor License
72. Staple & Spice Market Inc. DBA Staple & Spice Market, 601 Mt. Rushmore Rd for a Package (off sale) Liquor License
73. Fat Boys Inc. DBA Firehouse Brewing Co., 610 Main Street for a Package (off sale) Liquor License
74. Holiday Station Stores, Inc. DBA Holiday #449, 1846 Eglin Street for a Package (off sale) Liquor License

#### **2017 Retail (On-Off Sale) Wine License Renewals**

75. Mai T Goodsell DBA Saigon Restaurant, 221 E North Street for a Retail (on-off sale) Wine License
76. WR Rapid City Ventures LP DBA Oakleaf Beer Garden, 2111 N. LaCrosse Street for a Retail (on-off sale) Wine License
77. Botticellis Ristorante Italiano Inc. DBA Botticellis Ristorante Italiano, 523 Main Street for a Retail (on-off sale) Wine License
78. Diamond Hospitality LLC DBA Howard Johnson Inn & Suites, 950 North Street for a Retail (on-off sale) Wine License
79. Adelaide Inc. DBA Juniper, 5734 Sheridan Lake Rd, Ste 207 for a Retail (on-off sale) Wine License
80. Frankie's LLC DBA Thirsty's, 819 Main Street for a Retail (on-off sale) Wine License
81. WNRRRC LLC DBA Buffalo Wings and Rings, 5622 Sheridan Lake Road #101 for a Retail (on-off sale) Wine License
82. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Highway 16 #G for a Retail (on-off sale) Wine License
83. Rapid City Arts Council Inc. DBA Dahl Arts Center, 713 7<sup>th</sup> Street for a Retail (on-off sale) Wine License
84. Mall Fuji Corp DBA Fuji Sushi & Saki Bar, Rushmore Mall – 2200 N Maple #478 for a Retail (on-off sale) Wine License
85. Lori Eggersgluess DBA Mystique Edge Day Spa & Salon, 318 Mount Rushmore Rd Ste. E for a Retail (on-off sale) Wine License
86. C C W LLC DBA Huhot Mongolian Grill, 1745 Eglin Street Suite 990 for a Retail (on-off sale) Wine License

87. Sodaco Inc. DBA Baymont Inn & Suites, 4040 Cheyenne Blvd for a Retail (on-off sale) Wine License
88. Joaquin Martinez Martinez DBA El Mariachi, 1012 E North Street Suite A for a Retail (on-off sale) Wine License
89. Dakota Slice LLC DBA Blaze Pizza, 1325 Eglin Street Suite 100 for a Retail (on-off sale) Wine License
90. Performing Arts Center of Rapid City DBA Performing Arts Center of Rapid City, 601 Columbus Street for a Retail (on-off sale) Wine License
91. Black Hills Works Foundation Inc. DBA Suzie Cappa Art Center, 722 Saint Joseph Street for a Retail (on-off sale) Wine License
92. Continental Leisure Inc. DBA Carousel Casino, 2050 W Main Street Suite 2A for a Retail (on-off sale) Wine License
93. Yanga A. Allison DBA Si Belle Salon & Spa, 325 Omaha Street Suite 3 for a Retail (on-off sale) Wine License
94. Dakota T&R LLC DBA Dakota's Best Wine and Gifts, 2200 N Maple Ave Suite 242 for a Retail (on-off sale) Wine License
95. Tina M. Fletcher DBA The Best Little Hair House, 526 6<sup>th</sup> Street for a Retail (on-off sale) Wine License

Motion was made by Salamun, second by Laurenti and carried to approve items 54-95.

- 95A. Mayor read in the title of Property Tax Abatement Request City of Rapid City. Sumption said the City was notified last week by the County Treasurer that there was a piece of property that was transferred back to the City and that there were special assessments outstanding and it needed to be paid immediately. Sumption said the City didn't even know we had this property. Looking at the history, the assessment was done back in 1996. The property was sold which looked like it was on a tax deed in the early 2000's. The County got it back, it came to the City and went back a forth a few times. At this point, it is easier to do the abatement. She said we could pay it then the County would just pay it back to us but the abatement is easier. In response to a question from Scott, Sumption said the property was on East Saint Patrick Street and it's over 3-acres of property. The amount, if abated, is \$131,528.61. Nordstrom said he would make the motion offered by Sumption. She said the motion is to approve requesting abatement of the special assessment on this property and forward it to the County for their consideration. Motion was made by Nordstrom, second by Laurenti to move forward as stated by the Finance Officer. Motion passed 8-0.

**CONSENT PUBLIC HEARING ITEMS** – Items 96 – 102

Motion was made by Laurenti, second by Salamun and carried to approve items 96-102.

***Alcohol Licenses***

96. Rapid City Catholic School System for a SPECIAL EVENT Malt Beverage and Wine License for an Event Scheduled for December 2, 2016 at Rapid City Catholic School System, 2101 City Springs Rd Ste. 100
97. GMB Rushmore, LLC DBA GMB Rushmore, LLC (dba MRP Rushmore, LLC) dba MacKenzie River Grill & Pub, 1205 Eglin Street for a Retail (on-sale) Liquor TRANSFER from Slainte LLC DBA Murphy's Irish Pub (Inactive), 510 9th Street

**2017 Package (off-sale) Liquor License Renewals**

98. Lester Hospitality – Rapid City LLC DBA Rushmore Plaza Holiday Inn, 505 N 5th Street for a Package (off sale) Liquor License
99. Fresh Start Convenience Stores Inc. DBA Don's Valley Market, 3343 Haines Ave for a Package (off sale) Liquor License

- 100. Fresh Start Convenience Stores Inc. DBA Fresh Start #31, 2215 Haines Ave for a Package (off sale) Liquor License

**2017 Retail (on-sale) Liquor License Renewals**

- 101. Lester Hospitality Rapid City LLC DBA Rushmore Plaza Holiday Inn, 505 N 5th Street for a Retail (on sale) Liquor License

**Assessment Rolls**

- 102. No. LF110216-09 – Approve Resolution No. 2016-070B A Resolution Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2016-070B  
 RESOLUTION LEVYING ASSESSMENT FOR  
 CLEANUP OF MISCELLANEOUS PROPERTY

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 21st day of November, 2016.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Item 103

Ordinance 6146 (No. 16RZ033) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by FMG, Inc for Holiday Stationstores, Inc. for a Rezoning from Low Density Residential District to General Commercial District for property generally described as being located northwest of E. SD Highway 44 and Elk Vale Drive having passed the first reading on November 7, 2016 motion was made by Laurenti, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Salamun, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6146 was declared duly passed upon its second reading.

**BILLS**

The following bills have been audited.

BILLLIST - NOVEMBER 21, 2016

P/ROLL PERIOD END 11/12/16, PD 11/18/16	1,045,604.58
CDEV P/ROLL PERIOD END 11/12/16, PD 11/18/16	3,195.23
PIONEER BANK & TRUST, 11/12/16 P/ROLL TAXES & BENEFITS, PD 11/18/16	255,633.84
CDEV PIONEER BANK & TRUST 11/12/16 P/ROLL TAXES & BENEFITS, PD 11/18/16	862.29
WELLMARK INC, HEALTH CLAIMS THROUGH 11/04/16, PD 11/10/16	109,582.06
WAGE WORKS, SECTION 125 CLAIMS THROUGH 11/07/16, PD 11/08/16	3,619.99
WAGE WORKS, SECTION 125 CLAIMS THROUGH 11/14/16, PD 11/15/16	2,534.01
REHAB ESCROW - HEIDI WEAVER, REHAB ESCROW LOAN OVRPYMNT RFD	73.08
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 11/16/16	29,889.06
COMPUTER BILL LIST,	4,270,449.51
CDEV COMPUTER BILL LIST	15,275.58
SUBTOTAL	5,736,719.23
RSVP, P/ROLL PERIOD END 11/12/16, PD 11/18/16	3,273.59
RSVP, 11/12/16 P/ROLL TAXES & BENEFITS, PD 11/18/16	982.72
RSVP, COMPUTER BILL LIST	8.78
TOTAL	5,740,984.32
IMPREST ACCOUNT, PENNINGTON COUNTY CLERK OF COURTS	70.00
GRAND TOTAL	5,741,054.32

Sumption presented the bill list total of \$5,741,054.32. Sumption stated there is a check to the Black Hills Soccer Federation in the bill list for the loan on the signage for the soccer fields that was approved. They have asked that the City not issue them that check, so the City will void it. They have been able to collect enough money on their sponsorships and pledges where they don't need it. The total loan remaining is around \$70,000. Motion was made by Laurenti, second by Salamun and carried to authorize (No. CC112116-01) the Finance Officer to issue warrants or treasurers checks, drawn on proper funds, in payment thereof.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Laurenti, second by Modrick and carried to adjourn the meeting at 9:21 p.m.

Dated this 21st day of November, 2016.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Mayor

(SEAL)